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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,994	12/07/2000	Yasumasa Kodama	450100-02879	1585

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NEW YORK, NY 10151

EXAMINER
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BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/731,994

Applicant(s)

KODAMA, YASUMASA

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE and Amendment of 11/15/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

**Response to Arguments**

1. Applicant's arguments filed 11/15/05 have been fully considered but they are not persuasive.

{A} In re page 9, applicants states, "nothing has been found in Ng or Baba, taken alone or in combination, that would teach or disclose ... claim 1 ... Ng nor Baba disclose a plurality of R & R means ... wherein the plurality of R & R means further includes at least, one parity data R & R means".

In response the examiner cites col. 3 of Ng, specifically lines 29-38, when conforming to either Raid 3 or 4, disk drive 24 being one of the plurality of R & R means can be a dedicated to storing parity blocks ... known as Raid 3 or Raid 4, therefore, the examiner fails to agree.

Furthermore, since the claims fails to be specific and merely claim at least one parity data R & R means, also reads on Raid 5, wherein the parity data or block scan be rotated among all disk drives in the parity group with no single drive being designated as the parity drive or Raid 5, also reads on the claims as amended, therefore the examiner maintains the same ground of rejection.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng et al. (US 5,278,838) in view of Baba et al. (US 5,758,057).

Regarding claims 1-10 the examiner incorporates by reference the previous actions against the claims.

The examiner will address the newly added claim language and arguments together.

Claim 1 has been amended and argued that the combination does teach or disclose,

"a plurality of R & R means ... wherein the plurality of R & R means further includes at least, one parity data R & R means".

Ng, col. 3, when conforming to either Raid 3 or 4, disk drive 24 out of 20-24, {20, 21, 22, 23 and 24} can be dedicated to parity}, being conforming to Raid 3 or 4, wherein one of the plurality of R & R means can be a dedicated to storing parity blocks ... known as Raid 3 or Raid 4, but, Raid 5 also reads on the claimed limitations wherein all drives can have parity data, also reads on the claims, as amended.

### **Conclusion**

All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,  
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier  
communications should be directed to the examiner of  
record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00  
PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
12/6/05

  
VINCENT BOCCIO  
PRIMARY EXAMINER